

REMARKS

In the above referenced Office Action Applicant has cancelled Claims 2 and 3 and incorporated these limitations into Claim 1. Additionally, Applicant has cancelled Claims 5, 11, 12, 15, 19 and 20. Further, Applicant has extensively amended Independent Claims 1 and 21, as well as, Claims 4, 6-10, 13, 14 and 16-18.

Applicant notes that the replacement sheet of drawing Fig. 7 was not approved for entry because the specific arrangement of the elements of EOT device, as shown in the proposed Fig. 7, is not supported by the originally filed disclosure. In order to Correct this problem the Examiner suggested that Applicant provide a new drawing showing the EOT device and the associated elements in the form of a box diagram, which includes rectangular boxes representing the EOT device and the components thereof or associated therewith. The Examiner further stated, "Since the proposed drawing correction filed on September 14, 2007 has not been approved for entry, the previous objections to the drawings are again repeated below.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed electronic circuit disposed on a body portion of the EOT device, as recited in part (c) of claim 1; the means for sensing a magnetic field, claim 14, which

is a hall effect switch, claim 14; and the power supply being in the form of a battery, as recited in instant claim 19, must be shown or the features must canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121 (d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121 (d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance."

In order to comply with the Examiner's requirement Five (5) new replacement sheets of drawings are attached to this amendment for the Examiner's approval. It is believed that with the cancellation of certain Claims and the replacement sheets of drawings the Examiner's concerns have rendered moot and he is therefore respectfully requested to withdraw his objection to the drawings.

Next, the Examiner rejected Claim 21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated, in support of this rejection, "The wordings in part (c) claim 21 are not clear. Specifically, it is not clear as to the claimed relationship between the associated wiring and the positioning of the electronic circuit, as recited in part (c) of claim 21. Proper correction is required."

It is respectfully submitted that the amendment to Claim 21 has obviated this rejection and the examiner is respectfully requested to withdraw his rejection of Claim 21 under 35 U.S.C. 112, second paragraph.

Now turning to the more substantive issues the Examiner rejected Claims 1-2,4-7,10-11,17-19 and 21 (21 as best understood) under 35 U.S.C. 103(a) as being unpatentable over Crossley (US 4,512,483) in view of Bezos (US 5,873,638).

The Examiner stated, "Crossley discloses a truck assembly for a model railway vehicle including a removable coupler 40. It is noted that Crossley's truck assembly does not have an EOT device and an electronic circuit associated with the EOT device.

Bezos discloses an EOT device that can be easily installed on and removed from a coupler of a railway vehicle; wherein, the EOT device associated with a control system includes an electronic circuit unit 20 mounted in battery compartment of 17 of the EOT. The electronic circuit unit 20 of Bezos associates with light element 15 and includes connector 26 designed to mate with a corresponding connector on the associated cable/wiring on an associated railway vehicle.

In view of Bezos, it would have been obvious to one skilled in the art to provide an EOT device along with an associated electronic circuit on coupler 40 of Crossley, in a manner similar to that taught by Bezos, so as to achieve realistic look and feel of a real railway vehicle. Regarding the instant claimed electronic circuit being disposed only on a removable truck portion, note that the associated electronic circuit of Crossley's structure, as modified, is housed in the housing of the EOT device, and is disposed only on coupler 40 that is a removable truck portion, as claimed.

It is noted that the EOT device of Bezos is designed for a full-scale railway vehicle; however, it would have been obvious

to one skilled in the art to configure the structure of Bezos in a reduced-scale for use on reduced-scale railway vehicles, such as that of Crossley, so as to enhance the realistic look and feel of the reduced-scale railway vehicles. Note also that when the structure of Bezos is configured for use on the reduced-scale railway vehicles that have reduced or simplified functionalities as comparing to their resembling full-scale railway vehicles, it would have been obvious to one skilled in the art to also correspondingly reduce or simplify the functionalities of Bezos' EOT device so as to be consistent with the existing functionalities of the reduced scale railway vehicles, for proper operations.

Regarding the size of the electronic circuit being small enough, as recited in instant claim 2, note that the electronic circuit unit of Bezos, as modified, is small enough to be mountable on a truck portion as claimed.

Regarding the instant claimed microcontroller, as recited in instant claim 4, consider microprocessor 36 of Bezos.

Regarding the instant claimed number of contacts being up to eight, as recited in instant claim 12, note that such limitation is broad enough to cover a range of zero to eight contacts; therefore, the instant claimed broad limitation is considered met by the structure of Crossley, as modified.

Regarding the instant claimed control system being in the form of analog or digital, as recited in instant claims 17-18, note that electrical signals in the forms of analog and digital are well known alternatives (Official Notice is taken), and it would have been obvious to one skilled in the art to configure the system of Crossley, as modified, to operate with either analog or digital signals so as to be compatible with the type of signals of the associated existing train devices."

The Examiner is requested to note that the Amendments to Independent Claims 1 and 21 include the following important points neither shown nor made obvious from the art of record. These amendments include "Electrically conductive wheels are added to independent Claim 1 because neither Bezos's nor Crossley use power from the wheels. Further independent Claim 21 has been amended to cover only a battery-powered version. Further, independent Claims 1 and 21 have been amended to include the limitations of limiting the electronics circuit being only on either the trucks or the EOT body which circumvents the Examiner's objection based on Digitrax prior art which discloses a circuit that can be mounted in a train car to control an EOT device.

Additionally, Independent Claims 1 and 21 have been amended to make it clear that the electronic circuit for the EOT device is contained on at least one truck and the EOT device which

circumvents the Examiner's objection based on Crossley which he states that a EOT device with all electronics in the EOT body mounted on Crossley truck with coupler is readable as removable with truck. Also circumvents the Examiner's objection based on Bezos which states that the real EOT only has electronics in the EOT body. Bezos and Crossley never demonstrate that placing electronics on the truck and in the EOT provide the ability to install without drilling and simple disengaging and engaging to another car body.

Also, "Control System" has been changed to "Electrical Circuit" because Control System may not include the Input/Output Devices (The LED being an output device), which would not cover our product that we sell now. Some portion of the electronic Circuit must be on the truck and on the EOT device. Our product only has the LED in the EOT device, which is a part of Electronic Circuitry but not necessarily a part of a control system.

Finally, additional wording has been changed so the Claim language exactly matches the text and content of the drawings.

Claim 16 was rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of Young et al (US 2003/0155470). He stated, "Regarding the instant claimed light element being a LED, note that light elements in the form of

LEOs are well known. Note for example, LED 46 of Young. Therefore, it would have been obvious to one skilled in the art to use a well known LED as the light element in the structure of Crossley, as modified, so as to achieve expected advantages thereof, such as compactness, low power consumption, and high reliability and brightness.

Claim 16 is dependent on Independent Claim 1 and is believed allowable for the reasons advanced supra. Accordingly, the Examiner is respectfully requested to withdraw his rejection of Claim 16 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of Young et al (US 2003/0155470).

The Examiner also rejected Claims 3, 8 and 10-13 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of Stan Ames et al's guide to DCC, pages 29-30.

He stated in this rejection, "Regarding the power supply for operating the EDT device, note that a power supply in the form that includes a rectifier, a voltage regulator, and electrical contacts is well known in the art of reduced-scale railway vehicles, as evidenced in section 3.2.1 of Stan Ames' guide. Accordingly, it would have been obvious to one skilled in the art to use a well known power supply in the art of reduced-scale railway vehicles, similar to that suggested in Stan Ames'

guide, to power the EDT device of Crossley, as modified, so as to take advantage of the existing power supply configurations of the known reduced-scale train systems."

The Examiner's attention is first direct to the fact that Claims 3, 10 and 11 have been cancelled and that Claims 8, 12 and 13 find their dependency back to independent Claim 1 and they are therefore believed allowable for the reasons advanced supra. Accordingly, the Examiner is respectfully requested to withdraw his rejection of Claims 8, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of Stan Ames et als guide to DCC, pages 29-30.

Further, the Examiner rejected Claim 9 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 8 above, and further in view of Wolf (US 2003/0015626), stating, "Regarding the instant claimed use of electrical filters, as recited in instant claim 9, it is note that electrical filters are well known to condition electrical currents in electrical circuits, note for example Figure 4A of Wolf. Accordingly, it would have been obvious to one skilled in the art to apply such well known concept of using electrical filters, in the electrical circuit of Crossley, as modified, so as to effectively condition the electrical currents therein."

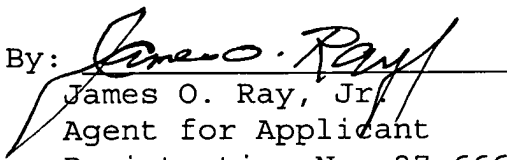
Claim 9 finds its dependency back to Independent Claim 1 and is believed allowable for the reasons advanced supra. Accordingly, the Examiner is respectfully requested to withdraw his rejection of Claim 9 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 8 above, and further in view of Wolf (US 2003/0015626).

Finally, Claims 14-15 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of in view of Miller (US 5,174,216). He stated, "Regarding the instant claimed device for activating a train accessory being in the form of a magnetic device or Hall effect device, as recited in instant claim 14-15, consider the Hall effect device 10 of Miller. In view of Miller, it would have been obvious to one skilled in the art to alternatively use a Hall effect device to activate the structure of Crossley, as modified, in a manner similar to that taught by Miller, because such Hall effect device is reliable and easy to setup."

Claim 15 has been cancelled and Claim 14 depends from Claim 1 and is believed patentable for the reasons advanced supra. Therefore, the Examiner is respectfully requested to withdraw his rejection of Claim 14 under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claim 1 above and further in view of in view of Miller (US 5,174,216).

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By: 
James O. Ray, Jr.
Agent for Applicant
Registration No. 27,666

JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE, PA 15146
TELEPHONE: 412-380-0725
FACSIMILE: 412-380-0748